IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 249 of 2005

In

SPECIAL CIVIL APPLICATION No. 795 of 1993

with

CIVIL APPLICATION No.1426 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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AHMEDABAD MUNICIPAL TRANSPORT SERVICE - Petitioner(s)

Versus

MOHMAD SALIM J SHAIKH - Respondent(s)

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Appearance :

MR HS MUNSHAW for Petitioner No(s).: 1.

MR RV DESAI for Respondent No(s).: 1.

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CORAM :HONOURABLE MR.JUSTICE R.S.GARG

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date : 01/07/2005

ORAL JUDGMENT (**Per : HONOURABLE MR.JUSTICE R.S.GARG)**

For unauthorised absence of the respondent-workman, he was terminated from services, which led to a reference before the Labour Court. The Labour Court found that though the absence was unauthorised, but the wrong was not such which could lead to capital punishment of dismissal. It accordingly directed reinstatement of the workman with 25% back wages. The learnedSingle Judge approved the said finding and orderof the learned Labour Court. The order not being palatable to the appellant, they are before this Court.

1. After hearing Mr.Munshaw, learned counsel for the appellant we are unable to interfere in the present matter; firstly because the learned Single Judge refused to interfere in the matter under Article 227 of the Constitution of India and it is trite law that if the learned Single Judge interferes or refuses to interfere under Article 227 of the Constitution of India no further appeal would lie to a Division Bench under clause 15; secondly becauseon the merits we are fully satisfied that the learned Labour Court was absolutely justified in directing reinstatement of the workman with 25% back wages. It is to be noted that the Labour Court, so also the learned Single Judge have given legal and cogent reasons for granting the relief in favour of the workman. The Appeal is dismissed.
1. Consequently Civil Application No.1426 of 2005 is also dismissed.

(R.S. Garg, J.)

(Ravi R. Tripathi, J.)

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